

## **REMARKS**

Applicants present herewith a new set of claims in lieu of the pending claims, now all canceled; and submit that the claims as now presented are patentably distinct from the references of record and are, therefore, in condition for allowance. A Notice of Allowance is earnestly solicited.

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Although the claims previously pending have been canceled, applicants respectfully traverse the rejection of the now canceled claims to the extent any of these rejections are applied to the claims as now presented.

Claim 47 claims an apparatus that includes a remote sensing means, and a printer shuttle which enables a printer to move to the respective lay-flat film tube. The Office Action indicates at page 2, paragraph 4 that Bowers et al. do not show a vision detecting system as claimed. Applicants agree.

Paragraph 4 of the Office Action also states that Bowers et al. show a mechanical equivalent sensing operation that has a packaging sensing window wherein packages are sensed using swing arms and electrical switches. Applicants agree that Bowers shows that packages are sensed by swing arms and electrical switches. However, applicants respectfully submit that these are not mechanical equivalents to the remote sensing means of the invention.

Referring for example to the Abstract, Bowers et al. use spring biased swing arms which activate electrical switches upon deflection by an entering package, and a downwardly extending lever arm which generates a length signal upon initial contact by an entering package, and which generates a height signal upon ultimate deflection of the lever arm by the package. These functions are described in detail at column 2, line 35 to column 3, line 5; and at column 9, line 12 to column 10, line 51, and swing arms 222 and lever arm 230 are shown in Figure 10.

The products being packaged in Bowers et al. thus require physical contact with the mechanical arms that are used to detect each product in order to permit selection of the proper film. In contrast, using a remote sensing means in the present invention, prod-

ucts do not have to be contacted with mechanical arms or levers in order to determine the size of the products and the selection of the appropriate film source.

In the case of meat cuts, avoiding the requirement of physical contact of the products by the sensing system offers a significant advantage in hygiene, since mechanical paddles and the like which would require periodic cleaning are not part of the sensing system.

Also, products of variable size, such as meat cuts, are sometimes placed on a feed conveyor in such an orientation that the long dimension of the product actually extends across the conveyor, i.e. more or less perpendicular to the direction of travel of the products and conveyor, or at some other angle with respect to the direction of travel of the meat cut. The remote sensing system of the invention allows the selection of the film source having the most appropriate bag width independent of the particular physical orientation of the meat cut vis-à-vis the direction of travel of the meat cut., so that an operator can have a bag of the optimal bag width selected, and can then reorient the meat cut before it is loaded into the bag (see the specification at e.g. page 7, lines 5 to 18). No capability has been identified in the Office Action whereby Bowers et al. would be able to use their mechanical system in this manner.

The Office Action at page 3 states that "it is well known in the art to use vision detecting systems as indicated by applicants admitted prior art p.7 lines 5+ ". Applicants' statements on page 7 are an admission that remote sensing means are conventionally known in the art. They are not however an admission that it was known, e.g. to combine a remote sensing means with an apparatus for making bags of varying sizes from thermoplastic material for packaging products of irregular size in a moving product stream, in combination with a printer shuttle which enables a printer to move to the respective lay-flat film tube.

With respect to new independent claim 47, directed to an apparatus comprising i.a. a printer and printer shuttle, and claim 52 directed to an apparatus comprising i.a. a printer and a means for moving film from the first or second film source to the printer, no objective evidence has been presented to disclose the combination of a printer and printer shuttle, or the combination of a printer and means for moving film from the first or second film source to the printer, with the apparatus as now claimed in claims 47 and 52 respectively, and the claims dependent thereon.

The claim language relating to means for moving film from the first or second film source to the printer presents no new matter, support for this subject matter being found in the specification at e.g. page 7, line 21 to page 8, line 4.

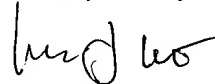
Paragraph 5 of the Office Action is directed to claims 41, 42, and 45, now canceled. The new claims now introduced into this application do not include claims reflective of the language of now canceled claims 41, 42, and 45 (although the independent claims as now presented would certainly bring within their scope embodiments reflecting the subject matter of these now canceled claims). As such, the rejection of claims 41, 42, and 45 is now deemed to be moot.

Applicants respectfully submit that the claims as now presented are in condition for allowance, and solicit a Notice of allowance.

The Commissioner is authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 07-1765.

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Date